

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Peter Louis John,

Case No. 18-cv-2079 (WMW/LIB)

Petitioner,

v.

ORDER

Kris Rish,

Respondent.

This matter is before the Court on two motions of Petitioner Peter Louis John.

First, John seeks a certificate of appealability (COA) to further prosecute this action before the United States Court of Appeals for the Eighth Circuit. (Dkt. 26.) In his June 7, 2019 Report and Recommendation (R&R), United States Magistrate Judge Leo I. Brisbois recommended not issuing a COA in this matter, finding that “[John] has not identified, and the Court cannot independently discern, anything novel, noteworthy, or worrisome about this case that warrants further appellate review.” The Court adopted the June 7, 2019 R&R on November 14, 2019, and remains satisfied that its conclusion is correct. Accordingly, John’s application for a COA is denied. Notwithstanding this Court’s denial, John may renew his request for a COA before the Eighth Circuit.

Second, John requests *in forma pauperis* (IFP) status on appeal in this matter. (Dkt. 25.) John was granted IFP status before this Court, and although he has not been issued a COA, John’s appeal is taken in good faith. *See Jennings v. United States*, 472 F. Supp. 2d 1067, 1070 (S.D. Ill. 2006) (noting that “the standard governing the issuance of a certificate of appealability is more demanding than the standard for determining

whether an appeal is in good faith for purposes of proceeding in forma pauperis on appeal"). Accordingly, no further authorization to proceed IFP on appeal is required. *See* Fed. R. App. P. 24(a)(3). Nevertheless, to make clear that John may proceed IFP on appeal, the Court grants his IFP application.

ORDER

Based on the foregoing analysis and all of the files, records, and proceedings herein,

IT IS HEREBY ORDERED:

1. Petitioner Peter Louis John's Motion for Leave to Proceed in Forma Pauperis, (Dkt. 25), is **GRANTED**.
2. Petitioner Peter Louis John's Application for Certificate of Appealability, (Dkt. 26), is **DENIED**.

Dated: January 9, 2020

s/Wilhelmina M. Wright

Wilhelmina M. Wright

United States District Judge